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IN RE PATENT APPLICATION OF:

Coonan et al.	Grp. Art. Unit: 3634
Application No: 09/388,334	Examiner: J. Novosad
Filing Date: September 1, 1999	Date: April 18, 2001
VERTICALLY ADJUSTABLE MOBILE COMPUTER WORKSTATION	Atty. Dkt. No: Stinger - Util

RESPONSE TO ADVISORY ACTION AND INTERVIEW SUMMARY

On January 2, 2001, the Patent Office mailed a Final Office Action rejecting claims 1, 3-5, 7-11 and 13-19, and objecting to claims 6, 12 and 20. In February 2001, the undersigned attorney contacted examiner Novosad to schedule a telephone interview. While scheduling that interview, it was agreed that Applicant would submit a proposed Amendment and Response to Final Office Action to better facilitate discussion of the pertinent issues for the upcoming telephonic interview. On February 27, 2001, such a proposed Amendment and Response to Final Office Action was faxed to examiner Novosad. On March 5, 2001, the telephone interview was conducted with the undersigned attorney, examiner Novosad, and supervisory patent examiner Daniel Stodola. During that interview, it was agreed that the proposed amendment would put all claims, with the possible exception of claim 6, in condition for allowance. Claim 6 was amended into independent form but was otherwise identical to claim 6 as originally filed. The interview concluded with an understanding that with submittal of the proposed amendment as an official submission, all of the pending claims, with the

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Signature
Printed name of person signing this certificate: Carrie Stremming

possible exception of claims 6, would be shown as allowable. In addition, the examiners agreed to again review claim 6 to determine whether the earlier rejections against it should also be withdrawn. This understanding of what occurred in the telephone interview of March 5, 2001 was confirmed in a telephone conversation with examiner Novosad on April 18, 2001.

On March 6, 2001, Applicant's attorney submitted the proposed amendment in official form and forwarded a copy of the same to the Applicant with a cover letter informing the client that the telephone interview was successful. On March 22, 2001, the Patent Office forwarded an interview summary of a telephone conversation with examiner Novosad that simply acknowledged receipt of the after final amendment filed after the previous interview. This document appeared odd since Applicant had not yet received any interview summary regarding the substantive interview that occurred on March 5, 2001. Thus, it does not appear as if any contemporaneous interview summary record was created during or immediately after the substantive March 5, 2001 interview.

On April 4, 2001, the undersigned attorney received a phone call from examiner Novosad indicating that the supervisory patent examiner Daniel Stodola, had become uncomfortable with the scope of the claims that were previously indicated as being allowable in the substantive interview of March 5, 2001. Examiner Novosad indicated that examiner Stodola wished to cite new art to a truck with a cherry picker as bearing on the patentability of Applicant's claims to a mobile computer workstation. Thus, following this conversation, Applicant's attorney was left with the impression that the amendment after Final Office Action would be entered, but the case would be reopened with a citation to the

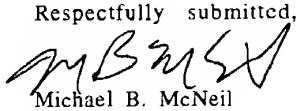
new truck with cherry picker art identified by examiner Novosad. It is also apparent that no contemporaneous interview summary record was ever created as a result of this discussion regarding how the new truck with cherry picker art would be made of record in the present case. This supposedly new art reference has still not been made officially of record in this case.

On April 11, 2001, the Patent Office forwarded an Advisory Action that included an interview summary record of the substantive interview that occurred on March 5, 2001. The interview summary record was sent well over a month after the interview occurred and does not accurately reflect the general nature of what was agreed to in that interview. The interview summary record is contrary to the undersigned attorney's recollection and also to that of Examiner Novosad which understanding was again confirmed via a telephone conversation with examiner Novosad on April 18, 2001. Not only was the interview summary inaccurate, but the Advisory Action indicated that Applicant's amendment after final would not be entered because it supposedly raised new issues and was deemed to not place the application in better form for appeal. Neither of these contentions is supported by the record in this case. In the first instance, the amendment that was agreed to in the interview summary did not raise any new issues because the file history makes it clear that the amendment addressed the very issue that had been central to the entire prosecution history of the present application. This fact is supported by reviewing the file history and especially by the marked-up drawing in red that was included with the Final Office Action, as well as by the conspicuous absence during the interview of any indication that the proposed amendment raised any new issues. Applicant is at a loss to explain how an amendment that

did not raise new issues in March 2001 can suddenly be deemed to raise new issues in April 2001. Applicant is also at a loss to understand how the amendment after final could be deemed to not put the application in better form for appeal. The amendment put all of the claims, except claim 6, in condition for allowance as per the March 5, 2001 interview, and returned claim 6 to its scope as originally filed.

Because the record in the present application does not accurately reflect what has occurred in this case, and because the motivations to take these actions (namely the still unidentified truck with cherry picker reference) have not been made of record, Applicant respectfully requests that prosecution on the merits of the present application be reopened and that the new reference be made of record without Applicant being required to file both an extension of time and a new filing fee to have the present application fairly examined.

Respectfully submitted,



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